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Attorneys for Plaintiff Northstar Financial Advisors, Inc.

[Additional Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

NORTHSTAR FINANCIAL ADVISORS,
INC., on behalf of itself and all others
similarly situated,

Plaintiff,

v.

SCHWAB INVESTMENTS; MARIANN
BYERWALTER, DONALD F.
DORWARD, WILLIAM A. HASLER,
ROBERT G. HOLMES, GERALD B.
SMITH, DONALD R. STEPHENS,
MICHAEL W. WILSEY, CHARLES R.
SCHWAB, RANDALL W. MERK,
JOSEPH H. WENDER and JOHN F.
COGAN, as Trustees of Schwab
Investments; and CHARLES SCHWAB
INVESTMENT MANAGEMENT, INC.,

Defendants.

Case No. Case No. 5:08-cv-04119-LHK

CLASS ACTION

**PLAINTIFF'S NOTICE OF APPEAL AND
NINTH CIRCUIT RULE 3-2
REPRESENTATION STATEMENT**

Courtroom: 8, 4th Floor, San Jose
Judge: Hon. Lucy H. Koh

PLEASE TAKE NOTICE that plaintiff Northstar Financial Advisors, Inc., on behalf of itself and all others similarly situated, appeals to the United States Court of Appeals for the Ninth Circuit from the following Orders of the United States District Court for the Northern District of California (Hon. Lucy H. Koh presiding): (1) the Order Granting in Part and Denying in Part Defendants' Motion to Dismiss Fourth Amended Complaint, entered on October 5, 2015 (Dkt. No. 229); (2) the Order Denying Motion for Leave to File Motion for Reconsideration, Granting Motion for Judgment on the Pleadings, and Denying as Moot Motion for Class Certification, entered on February 23, 2016 (Dkt. No. 260); and (3) Judgment, entered on February 23, 2016 (Dkt. No. 261).

Per Circuit Rule 3-2, a Representation Statement is attached to this notice.

Dated: February 25, 2016

Respectfully submitted,

BERMAN DEVALERIO

By: /s/ Christopher T. Heffelfinger
Christopher T. Heffelfinger

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Attorneys for Plaintiff Northstar Financial Advisors, Inc.

NINTH CIRCUIT RULE 3-2 REPRESENTATION STATEMENT

Pursuant to Ninth Circuit Rule 3-2 and Fed. R. App. P. 12(b), the following list identifies the parties to the action and the names, addresses and telephone numbers of their respective counsel:

1. Plaintiff-Appellant Northstar Financial Advisors, Inc., on behalf of itself and all others similarly situated, is represented by the following counsel:

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2. Defendants-Appellees Schwab Investments; Mariann Byerwaler, Donald F. Dorward, William A. Hasler, Robert G. Holmes, Gerald B. Smith, Donald R. Stephens, Michael W. Wilsey, Charles R. Schwab, Randall W. Merk, Joseph H. Wender, and John F. Cogan, as Trustees of Schwab Investments; and Charles Schwab Investment Management, Inc., are represented by the following counsel:

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3. Defendants Mariann Byerwalter, Donald F. Dorward, William A. Hasler, Robert G. Holmes, Gerald B. Smith, Donald R. Stephens, Michael W. Wilsey, Charles R. Schwab, Randall W. Merk, Joseph H. Wender, and John F. Cogan are also represented by the following counsel:

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Dated: February 25, 2016

Respectfully submitted,

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